



DECLARATION OF DAVID KACZYNSKI

Feb. 8, 1997

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

UNITED
STATES OF
AMERICA,
Plaintiff,

CR S-96-0259 GEB

V.

THEODORE
JOHN
KACZYNSKI,
Defendant.

DECLARATION OF
DAVID KACZYNSKI

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I, David Kaczynski, hereby declare the following:

(1) I am a resident of the state of New York and live in Schenectady, New York. If called as a witness, I could and would competently testify as set forth herein.

(2) I am the brother of Theodore John Kaczynski, the defendant in the above captioned case.

(3) I have reviewed the paragraphs in the search warrant affidavit that attribute information and beliefs to me and have the following statements about the accuracy of the information attributed to me:

(A) Paragraph 95 states:

"Beginning on February 14, 1996, David Kaczynski informed members of the UNABOM Task Force (UTF) that he believes his brother

Theodore John Kaczynski, also known as "Ted", to be the person responsible for the UNABOM event. David Kaczynski initiated contact with the FBI through an attorney. He stated that he did not want any of the reward money offered in connection with this investigation."

This paragraph is not true insofar as it states that I told the FBI in mid-February that I believed my brother was responsible for the Unabom events. I told the FBI in mid-February that I had suspicions that he could be involved and hoped that he could be ruled out as the Unabomber.

(B) Paragraph 101 states:

"Theodore Kaczynski's brother, David Kaczynski, has informed UTF investigators that he developed a suspicion of Theodore Kaczynski's (hereafter referred to as Theodore Kaczynski, or as David Kaczynski's brother if appropriate) involvement in the series of bombings committed by the UNABOM subject after reading news media reports, in approximately December, 1994, that summarized the dates and places of the UNABOM events and bombings."

This is not true insofar as it states that I told the FBI that I developed a suspicion in approximately December 1994. I told the agents that at that time I had a passing thought that Ted could be involved. This paragraph does not fit the tone or spirit of what I told the FBI.

(C) Paragraph 105 states:

"David Kaczynski has advised investigators that following his reading of published excerpts from the UNABOM manuscript in approximately August, 1995, he became increasingly suspicious of strong similarities between Theodore Kaczynski's views and those of the UNABOM subject. He further stated that upon reading the published UNABOM manuscript in its entirety, in approximately September, 1995, he became convinced that his brother was the author of the UNABOM manuscript. In particular, David Kaczynski stated that there was a unique phrase in the UNABOM manuscript, which referred to a "cool-headed logician" which he, David

Kaczynski, recognized as his brother's terminology. David Kaczynski stated that this and other statements in the UNABOM manuscript "leapt out" at him because they expressed his brother, Theodore Kaczynski's, long-held position on the role of art versus science in our society. According to David Kaczynski, these statements marked the UNABOM manuscript as his brother's product, because he and his brother had a running argument for years on these topics."

This paragraph is an inaccurate account of what I told the agents. First, I told the FBI that, after reading newspaper account of the Unabom Manuscript in about August 1995, I dismissed the possibility that Ted could be the Unabomber. Second, I did not tell the FBI that, after reading the entire Manuscript in about September or October 1995, I was "convinced" my brother was the Unabomber. I told them that I was not able to form an opinion about whether Ted was or was not the Unabomber and could develop no sense of probability on the question. Third, I did not tell the agents that "cool-headed logician" was my brother's terminology, but only that he had used the phrase once in a letter to me. Finally, I did not tell the FBI that anything in the Manuscript "marked" the Unabom manuscript as Ted's product. I told the agents that a discussion of art and science indicated a possible connection of Ted to the Unabom Manuscript.

(D) Paragraph 106 states:

"David Kaczynski advised investigators that he recognized, in particular, a paragraph in the first portion of the manuscript that spoke of art and the human experience. Paragraph 17 of the UNABOM manuscript (attachment 2) discusses art and rationality."

I did not tell the investigators that I recognized a particular paragraph about art and the human experience, but only that one of the paragraphs resembled what Ted and I had talked about and I could connect the ideas to discussions with Ted.

(E) Paragraph 107 states:

"David emphasized that his brother has long been committed to "rationality" as a guiding principle. He further stated that since his brother's ideas

were based on a "rational ideal", any action in support of them was justifiable. David Kaczynski expressed his sadness to investigators in commenting that this type of justification would enable his brother to feel fully justified and even visionary in killing people to accomplish his "rational objectives."

This statement misses the point that I made to the agents. I told them that Ted would have to believe that there was a reason that made something the right thing to do before he would do it and that Ted did not believe that the "end justifies the means." (F) Paragraph 108 states:

"In addition to providing 86 (85) personal letters received from Theodore Kaczynski during the preceding 30 years, David Kaczynski provided investigators with a photocopy of a carbon copy of an essay written by his brother in approximately 1971 (a copy of this essay and incorporated by reference to this affidavit in attachment number 3). In that essay his brother, Theodore Kaczynski, discusses the necessity of forming and supporting an organization to bring about the end of Federal and corporate funding for scientific research. David Kaczynski has advised the UTF that his brother personally discussed with him in approximately 1971 the possibility of David heading up such an organization. David stated that he recognized substantial similarity between the ideas, concepts and expressions contained in his brother's 23 page essay and the UNABOM manuscript."

I did provide a copy of my brother's essay to the investigators. However, this paragraph attributes to me a conclusion that was exactly opposite of what I told the investigators. I told the investigators that after reading the copy of the essay, in my opinion there were substantial similarities and dissimilarities between the essay and the Unabom Manuscript. I told the investigators that based upon my reading of the essay, as opposed to my memory of it, I felt less suspicious of Ted being the Unabomber. (G) Paragraph 124 states:

"David Kaczynski reviewed all of the writings attributed to the UNABOM subject. He came to the conclusion that based upon content, style, and

specific phraseology of the writings that they were written by his brother, Theodore Kaczynski."

When I read the letters which were attributed to the Unabomber, I said that "I have difficulty believing it isn't him." This was in mid-March 1996. I made that statement because when I noticed that the Unabomber had spelled "installment" as "instalment" and stated that I believed that to be a misspelling, the agents told me that Ted had misspelled the word the same way. Because I knew that Ted was very careful about spelling words, I found this fact to be quite significant. Several days later I learned that "installment" could be spelled correctly with either one or two "l"s, and I became less convinced that Ted was the Unabomber. Had I known this at the time, I would not have made the statement or drawn the conclusion about Ted. In addition, this statement by me was made in the context of the agents debating whether they believed Ted was the Unabomber and not reaching agreement. It was an informal discussion and not one I thought was focused on my beliefs about Ted.

(H) Paragraph 134 states:

"In an interview with the UTF on February 18, 1996, David Kaczynski recalled that shortly after departing UCB, his brother had played a practical joke involving a forged letter. Theodore Kaczynski sent a letter to one professor at UCB, purportedly from another professor. David Kaczynski was quite impressed with the content and manner in which the letter was drafted. Dave could not explain this peculiar behavior, other than to say that Ted did not have any friends of his own to write to during that period."

This paragraph mixes two things that I talked about with the investigators. I told the investigators about a "tongue-in-cheek" letter Ted had sent to a professor at UCB which purported to be from another professor. This letter was clearly intended as a joke and would have been seen as such by the professor to whom it was sent. The letter which the paragraph says I could not explain was a letter which Ted wrote to a friend of mine, not to the professor.

(I) Paragraph 143 states:

"UNABOM Device #1 was found at the

University of Illinois, Chicago Circle Campus on May 25, 1978. Theodore Kaczynski began a job with Foam Cutting Engineers in Chicago on June 26, 1978. David believed that his brother returned to Chicago from Montana a few days, to no more than 30 days, before starting this job. According to David, when Theodore Kaczynski returned, he took a Greyhound bus from Montana to the main bus terminal in Chicago."

I told the agents that I had always believed that Ted returned to the family home in Chicago no more than one week before beginning the job at Foam Cutting Engineers and that I did not think he would have been in the area before this without telling the family he was in town. I did not tell the agents that I believed Ted returned to Chicago up to 30 days before starting the job at Foam Cutting Engineers.

(J) Paragraph 145 states:

"UNABOM Device #3 was mailed from the Chicago area on November 14, 1979. David recalled that Theodore Kaczynski had gone to work at Prince Castle Restaurant Equipment Division in August or September, 1978, and then quit in the summer of 1979. Theodore Kaczynski stayed at his parent's home for awhile and then borrowed David's car, thereafter travelling to Canada for 6-8 weeks, to look for land in Saskatchewan. Theodore Kaczynski returned to Chicago and later to Montana that summer or fall. Wanda Kaczynski believed that her son remained in Lombard until the fall of 1979 before returning to Montana. She remembered walking with him to the local commuter train in Lombard."

I did not tell the FBI that Ted returned to Montana "that summer or fall." I told them that he returned to Montana that summer or possibly early fall.

(K) Paragraph 158 states:

"In September, 1990, David sent his brother a letter advising him that their father was very ill. Theodore Kaczynski responded and stated that this had been an appropriate use of the red line. Their father died on October 2, 1990, and David

wrote Theodore Kaczynski to advise him of the memorial service. Theodore Kaczynski did not attend the service."

I did not tell the agents that the line needed to be red. There is another reference to a red line in paragraph 156 that is likewise inaccurate. In addition to the information in the above paragraph, I told the agents that while Ted did not attend our father's memorial service, he did call our mother expressing sympathy for our father's death.

(L) Paragraph 159 states:

"In January or February, 1991, Theodore Kaczynski wrote to David asking for his share of the father's estate, which was approximately \$60,000. Theodore Kaczynski did not receive this money, but did get \$7,000 from his mother under separate circumstances."

This is not an accurate statement of what I told the agents. I told them that at one point Ted wrote to me proposing to relinquish his share of our inheritance from our parents in return for a payment of \$60,000, which was substantially less than his share would have been. The "separate circumstances" involved my mother sending Ted a CD which she had been holding for him.

(4) During my interviews with the FBI, I provided the agents the following information which is not reflected in the search warrant affidavit.

(A) The FBI asked me about Ted's travelling. I told them that Ted had a great aversion to travelling and that was one factor which weighed in my mind against the possibility that he was the Unabomber. I told them that he wrote to me stating that he had cancelled his trip to Texas in 1985 to see me because of the strain he experienced in travelling.

(B) The FBI asked me if Ted's hair was curly. I told them that it had a slight natural wave but was not curly. I also told the FBI that I doubted that Ted ever dyed his hair.

(C) The FBI asked me if Ted had a mustache. I told them that he had a full beard and had talked about shaving it off for the summer, but I had never seen him with just a mustache.

(D) The FBI asked me if Ted had long, thin fingers. I told them that I had short hands and that I remembered Ted's

hands as longer than mine, but nothing out of the ordinary.

(E) The FBI asked if Ted has hair on his hands. I replied that I believed that he had hair on his hands like I did, but he did not have especially hairy hands.

(F) The FBI asked if Ted had sunken cheeks. I asked what they meant, and they replied prominent cheek bones with more sunken cheeks. I told them that Ted did not have prominent cheek bones or sunken cheeks. They showed me a picture of Ted at Berkeley (a copy of the picture was attached as Attachment S to the search warrant affidavit). The agents asked if Ted's cheeks were more sunken when I saw him in 1986 than as shown in the photograph. I replied, "No."

(G) When asked about Ted's complexion, I told the agents that Ted was lightly complected, with a fair complexion.

(H) I told the FBI that Ted has had one of his upper front teeth missing from childhood and had a bridge for the missing tooth, but I did not think that he had ever used the bridge since leaving his teaching position at University of California at Berkeley.

(I) The FBI asked me if there was anything unusual about my brother's gait. I replied that his left foot is noticeably pigeon-toed and affects the way he walks.

(J) I provided the FBI a self-portrait which Ted had done of himself.

I declare under the penalty of perjury under the laws of the United States of America that the foregoing is true and correct. Executed this 8 day of February, 1997.



David Kaczynski

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